

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ESSILOR INTERNATIONAL SAS et al.,

Plaintiffs,

-v-

J.P. MORGAN CHASE BANK, N.A.,

Defendant.  
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22-cv-3361 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The motion of Defendant JPMorgan Chase Bank, N.A. (“JPMC”) to compel Plaintiff Essilor Manufacturing (Thailand) Co., Ltd. (“EMTC”) to produce unredacted and complete versions of the invoices on which it relies for “mitigation” damages, Dkt. No. 159, is denied as untimely, *see, e.g., Gucci Am., Inc. v. Guess?, Inc.*, 790 F. Supp. 2d 136, 142 (S.D.N.Y. 2011). The invoices were produced in November 2023. *See* Dkt. No. 160. Fact discovery closed on May 15, 2024, Dkt. No. 139, and accordingly, JPMC must show good cause for reopening discovery, *see Gray v. Town of Darien*, 927 F.2d 69, 74 (2d Cir. 1991). To the extent that JPMC needs unredacted invoices to test EMTC’s evidence of mitigation damages, it would have known of that need during the fact discovery period. *Gucci Am.*, 790 F. Supp. 2d at 142. JPMC requested the extension of discovery in a letter of May 13, 2024, without mentioning the issue of the invoices. Dkt. No. 138. It has offered no convincing reason and no good cause why it did not request the Court’s assistance before discovery had closed which it could easily have done. *See Gucci Am.*, 790 F. Supp. 2d at 139–40; *Eng-Hatcher v. Sprint Nextel Corp.*, 2008 WL 4104015, at \*3 (S.D.N.Y. Aug. 28, 2008). Accordingly, the motion to compel is denied.

The Clerk of Court is respectfully directed to close Dkt. Nos. 158 and 159.

SO ORDERED.

Dated: June 10, 2024  
New York, New York

LEWIS J. LIMAN  
United States District Judge